

2 ORDINANCE NO. 95-15

3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
4 COUNTY, FLORIDA, RELATING TO AND CREATING AN ENTERPRISE ZONE
5 DEVELOPMENT AGENCY, A PUBLIC BODY CORPORATE AND POLITIC TO FUNCTION
6 WITHIN THE CORPORATE LIMITS OF WEST PALM BEACH, RIVIERA BEACH, BELLE
7 GLADE AND SOUTH BAY; PROVIDING FOR APPOINTMENT OF A BOARD OF
8 COMMISSIONERS; PROVIDING POWERS AND RESPONSIBILITIES; PROVIDING FOR
9 THE REPEAL OF LAWS IN CONFLICT; PROVIDE FOR INCLUSION IN THE CODE OF
10 LAWS AND ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

11
12 WHEREAS, the legislature of the State of Florida has enacted Florida Enterprise Zone
13 Act of 1994 authorized by Sections 290.001-290.016, Florida Statutes (the "Act").

14 WHEREAS, the Act authorizes any county or municipality to create a public body
15 corporate and politic to be known as an "enterprise zone development agency".

16 WHEREAS, for an area nominated by a county and one or more municipalities jointly,
17 the county shall create the agency.

18 WHEREAS, the Board of County Commissioners has adopted a Resolution finding that
19 the areas of: West Palm Beach, Riviera Beach, Belle Glade and South Bay chronically exhibit
20 extreme and unacceptable levels of poverty, unemployment, physical deterioration, and
21 economic disinvestment; and

22 WHEREAS, the Board of County Commissioners has determined that the rehabilitation,
23 conservation, or redevelopment, or a combination thereof, of such area is necessary in the
24 interest of the public health, safety, and welfare of the residents of Palm Beach County and
25 areas of West Palm Beach, Riviera Beach, Belle Glade and South Bay; and

26 WHEREAS, the Board of County Commissioners has determined that the revitalization
27 of such areas can occur only if the private sector can be induced to invest its own resources
28 in productive enterprises that build or rebuild the economic viability of the areas; and

29 WHEREAS, the Board of County Commissioners has made a further finding that there
30 is a need to create an enterprise zone development agency to function in Palm Beach County
31 to carry out the enterprise zone purposes of the Enterprise Zone Act of 1994.

32 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
33 OF PALM BEACH COUNTY, FLORIDA that:

34 Section 1. AUTHORITY FOR ENACTMENT.

35 This ordinance is enacted pursuant to the Florida Enterprise Zone Act of 1994 authorized by

1 Sections 290.001-290.016, Florida Statutes (the "Act").

2 **Section 2. CREATION OF AN ENTERPRISE ZONE**

3 **DEVELOPMENT AGENCY**

4 There is hereby created a public body corporate and politic to be known as the Enterprise Zone
5 Development Agency, hereinafter referred to as the "Agency".

6 **Section 3. MEMBERSHIP**

7 3.01 The governing body being the Board of County Commissioners, hereinafter
8 referred to as the COUNTY, shall appoint a board of commissioners of the agency, which shall
9 consist of not fewer than 8 or more than 13 commissioners of the agency.

10 3.02 A commissioner shall receive no compensation for his or her services, but is
11 entitled to the necessary expenses, including travel expenses, incurred in the discharge of his
12 or her duties. Each commissioner shall hold office until a successor has been appointed and
13 had qualified. A certificate of the appointment or reappointment of any commissioner shall be
14 filed with the clerk of the county or municipality, and the certificate is conclusive evidence of
15 the due and proper appointment of the commissioner.

16 3.03 The powers of an enterprise zone development agency shall be exercised by the
17 commissioners. A majority of commissioners constitutes quorum for the purpose of conducting
18 business and exercising the powers of the agency and for all other purposes. Action may be
19 taken by the agency upon a vote of a majority of the commissioners present, unless in any case
20 the bylaws require a larger number.

21 3.04 The COUNTY shall designate a chair and vice chair from among the
22 commissioners. An agency may employ an executive director, technical experts, and such
23 other agents and employees, permanent and temporary, as it requires, and determine their
24 qualifications, duties, and compensation. For such legal service as it requires, an agency may
25 employ or retain its own counsel and legal staff. An agency authorized to transact business
26 and exercise powers under this act shall file with the COUNTY and with the Auditor General,
27 on or before March 31 of each year, a report of its activities for the preceding fiscal year, which
28 report shall include a complete financial statement setting forth its assets, liabilities, income,
29 and operating expenses as of the end of such fiscal year. At the time of filing the report, the
30 agency shall publish in a newspaper of general circulation in the community a notice to the
31 effect that such report has been filed with the county or municipality and that the report is
32 available for inspection during business hours in the office of the clerk of the municipality or
33 county and in the office of the agency.

34 3.05 At any time after the creation of an enterprise zone development agency, the
35 COUNTY or municipalities may appropriate to the agency such amounts as the COUNTY deem

1 necessary for the administrative expenses and overhead of the agency.

2 3.06 The COUNTY may remove a commissioner for inefficiency, neglect of duty, or
3 misconduct in office only after a hearing and only if the commissioner has been given a copy
4 of the charges at least 10 days prior to the hearing and has had an opportunity to be heard
5 in person or by counsel.

6 **Section 4. POWERS and RESPONSIBILITIES**

7 4.01. The agency shall have the following powers:

8 1. To assist in the development and implementation of the strategic plan.
9 2. To oversee and monitor the implementation of the strategic plan. The agency shall
10 make quarterly reports to the COUNTY and the municipalities evaluating the progress in
11 implementing the strategic plan.

12 3. To identify and recommend to the COUNTY and the municipalities ways to remove
13 regulatory barriers.

14 4. To identify and recommend to the COUNTY and municipalities the financial needs
15 of, and local resources or assistance available to, eligible businesses in the zone.

16 4.02. Contingent upon approval by the governing body, the agency may invest in
17 community investment corporations which conduct, or agree to conduct, loan guarantee
18 programs assisting minority businesses enterprises located in the enterprise zone. In making
19 such investments, the agency shall first attempt to invest in existing community investment
20 corporations providing services in the enterprise zone. Such investments shall be made under
21 conditions required by law and as the agency may require, including, but not limited to:

22 a. The funds invested by the agency shall be used to provide loan guarantees to
23 individuals for minority business enterprises located in the enterprise zone.

24 b. The community investment corporation may not approve any application for a loan
25 guarantee unless the person applying for the loan guarantee shows that he or she has applied
26 for the loan or loan guarantee through normal banking channels and that the loan or loan
27 guarantee has been refused by at least one bank or other financial institution.

28 4.03. Prior to December 1 of each year, the agency shall submit to the department a
29 complete and detailed written report setting forth:

30 a. Its operation and accomplishments during the fiscal year.

31 b. The accomplishments and progress concerning the implementation of the strategic
32 plan.

33 c. The number and type of businesses assisted by the agency during the fiscal year.

34 d. The number of jobs created within the enterprise zone during the fiscal year.

35 e. The usage and revenue impact of state and local incentives granted during the

1 calendar year.

2 f. Any other information required by the department.

3 4.04. In the event that the nominated area selected by the COUNTY is not designated
4 a state enterprise zone, the governing body may dissolve the agency after receiving notification
5 from the department that the area was not designated as an enterprise zone.

6 **Section 5. REPEAL OF LAWS IN CONFLICT**

7 All local laws and ordinances applying to the unincorporated area of Palm Beach County in
8 conflict with any provisions of this ordinance are hereby repealed.

9 **Section 6. SEVERABILITY**

10 If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason
11 held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the
12 remainder of this ordinance.

13 **Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

14 The provisions of this ordinance shall become and be made a part of the code of laws and
15 ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered
16 or relettered to accomplish such, and the word "ordinance" may be changed to "section,"
17 "article," or any other appropriate word.

18 **Section 8. EFFECTIVE DATE**

19 The provisions of this ordinance shall become effective upon receipt of acknowledgement by
20 the Secretary of State.

21 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
22 County, Florida, on the 2nd day of May, 1995.

23
24 PALM BEACH COUNTY, FLORIDA, BY ITS
25 DOROTHY H. WILKEN, CLERK
26 Board of County Commissioners
27 By *April C. Foster* DEPUTY CLERK
28 COUNTY, FLORIDA, APPROVED
29 * * * * *
30 APPROVED AS TO FORM AND
31 LEGAL SUFFICIENCY
32
33 *Barbara Miller*
34 County Attorney
35

36 *Ken Foster* Chair

1
2 Acknowledgement by the Department of State of the State of Florida, on this, the

3 9th day of May, 1995.

4 **EFFECTIVE DATE:** Acknowledgement from the Department of State received on the
5 12th day of May, 1995, at 3:50 P.M., and filed in the Office of the Clerk of
6 the Board of County Commissioners of Palm Beach County, Florida.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 5/2/95
at West Palm Beach, FL on 5/23/95.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C